

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**ELON MUSK,**

**Defendant.**

**Civil Action No. 1:18-cv-08865-AJN**

**DEFENDANT ELON MUSK'S NOTICE OF MOTION TO SEAL**

Please take notice, that upon the Motion to Seal, dated March 8, 2022 and all exhibits attached thereto, and upon all the papers and proceedings had herein, Defendant Elon Musk will move this Court, before the Honorable Alison J. Nathan, at the United States Courthouse for the Southern District of New York located at 40 Foley Square, New York, New York, 10007, for an Order sealing certain exhibits to his Memorandum of Law in Support of his Motion to Quash and Motion to Vacate the Consent Decree.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**ELON MUSK,**

**Defendant.**

**Civil Action No. 1:18-cv-08865-AJN**

**DEFENDANT ELON MUSK’S MOTION TO SEAL**

Defendant Elon Musk, by and through his attorneys, hereby moves this Court for an Order sealing documents filed in support of his Motion to Quash and Motion to Terminate the Consent Decree and states as follows:

1. On November 16, 2021, the Securities and Exchange Commission (“Commission”) initiated a formal investigation into Mr. Musk’s Twitter activity. (Formal Order of Investigation (SF-4496)).

2. On November 16, 2021, the Commission served Tesla, Inc., with a subpoena in connection with this investigation. (Tesla Subpoena, *In the Matter of Tesla, Inc.* (SF-4496)).

3. On November 29, 2021, the SEC issued a similar subpoena to Mr. Musk. (Elon Musk Subpoena, *In the Matter of Tesla, Inc.* (SF-4496)).

4. Commission investigation documents are non-public as a matter of law. *See* 17 CFR § 203.2 (“Information or documents obtained by the Commission in the course of any investigation or examination, unless made a matter of public record, shall be deemed non-

public . . .”); 17 CFR § 203.5 (“Unless otherwise ordered by the Commission, all formal investigative proceedings shall be non-public.”).

Therefore, Mr. Musk respectfully requests permission from the Court to file, under seal: the Formal Order of Investigation (SF-4496); the Tesla Subpoena (SF-4496); and the Elon Musk Subpoena (SF-4496).

Dated: New York, New York  
March 8, 2022

Respectfully submitted,

/s/ Alex Spiro  
Alex Spiro  
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*Attorney for Elon Musk*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Notice and Motion to be filed with the Court's CM/ECF system this 8th day of March, 2022, thereby causing it to be served on all counsel of record.

Dated: New York, New York  
March 8, 2022

Respectfully submitted,

/s/ Alex Spiro

Alex Spiro

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